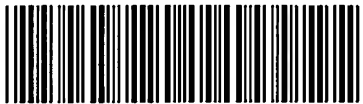


Application Number 	Application/Control No. 10/759,617	Applicant(s)/Patent under Reexamination DRUZGALA ET AL.	
Document Code - DISQ		Internal Document – DO NOT MAIL	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : 8/9/05	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
jab

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 04-1036-F)**

In re Application of:)
)
 Pascal Druzgala, et al)
) Group Art Unit: 1616
 Serial No.: 10/759,617)
) Examiner: Barbara Badio
 Filing Date: January 16, 2004)
) Conf. No.: 8168
 For: Materials and Methods for the Treatment)
 Of Diabetes, Hyperlipidemia,)
 Hypercholesterolemia, and Atherosclerosis)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Via Facsimile: 571-273-0609
Total Pages: 2

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Terminal Disclaimer to Obviate a Double Parenting Rejection Over A "Prior" Patent.
2. With respect to fees:
 - a) Please charge Fee of \$65.00 to Deposit Account No. 13-2490.
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being transmitted via facsimile (571-273-0609) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2005.

Respectfully submitted,



Michael S. Greenfield

Registration No. 37,142

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300 South Wacker Drive
Chicago, IL 60606
(312)913-0001

PTO/SB/26 (09-04)

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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)
04-1036-F

In re Application of: Druzgala et al

Application No.: 10/759,617

Filed January 16, 2004

For: Materials and Methods of for the Treatment of Diabetes, Hyperlipidemia, Hypercholesterolemia, and Atherosclerosis

The owner, ARY Therapeutics Inc, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,680,397 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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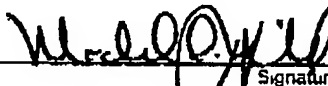
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

- 2 ☒ The undersigned is an attorney or agent of record. Reg. No. 37,142


Signature

August 9, 2005
Date

Michael S. Greenfield
Typed or printed name

312-913-0001
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